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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,708	07/16/2004	Konrad Roeingh	HM-594PCT	5110
7590	09/28/2006		EXAMINER	
FRIEDRICH KUEFFNER 317 MADISON AVENUE SUITE 910 NEW YORK, NY 10017				PATEL, VISHAL A
		ART UNIT	PAPER NUMBER	
			3673	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/501,708	ROEINGH ET AL.	
	Examiner Vishal Patel	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 July 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6 and 8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-6 and 8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salter, Jr. (US. 4,099,731, now referred to as Salter) in view of Salter Jr. (US. 4,022,480, now referred to as Salter '480).

Salter discloses rolling device with at least one roll (14) rotatably supported in a stand and with at least one sealing device that seals the roll against a stationary area (stationary area having surfaces 50 and 52) of the rolling device. The seal device comprising at least one annular body (seal 38) supported on a roll neck (neck 16) and encompasses the roll neck (the seal encompasses the roll neck 16). The annular body being provided with at least one outwardly extending lip (lips 104b and 106b) that rests against and seals a stationary part (part having surfaces 50 and 52) during rotation of the roll. The annular body comprises at least two parts (38a and 38b). The first part rests against a part of the roll (part of 38a that rests against the roll 14 having the roll neck 16) and the second part comprises the at least one outwardly extending lip and the second part is held in a pocket of the first part (the second part is held in a pocket of the first part). The second part encompasses at least one lip directed axially in the direction of the barrel of the roll and one lip directed axially in the opposite direction (the lips 104b and 106b are in opposite direction). The first part and the second part have different moduli of elasticity

(since the material of the two parts are different it would have different moduli, column 5, lines 50-54). The first part and the second part have different surface hardness values (this is also true because they are formed of two different material). The first and the second part consist of different material (column 5, lines 50-54). The lip or lips consist of an elastic rubber material. The limitations the second part is in a recess of the first part (as seen in figure 1, the second part 38b is in a recess of the first part 38a).

Salter discloses the invention substantially as claimed above but fails to disclose that the lip or lips are spring supported. Salter '480 discloses a roll neck having a sealing device that has lips (lips of figure 1 which do not have spring support) and lips (lips showed in figure 4 that have spring supports 110). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the lips of Salter to have spring supports as taught by Salter '480, to provide additional means for urging (column 5, line 64-column 6, line 5 of Slater '480).

***Response to Arguments***

3. Applicant's arguments filed 12/19/05 have been fully considered but they are not persuasive.

Applicants' argument that the added limitation pocket to the claim overcomes the reference of Salter is not persuasive because Slater teaches a first part to have a cavity that receives a second part into the first part. The cavity is considered to be the pocket because as interpreted broadly a pocket is a cavity or recess that is capable of receiving a member or material.

Applicants' argument that the reference of Salter requires a fastening arrangement is not persuasive because applicant does not have limitation that would not require a fastening or a

fastener. Furthermore, applicants' argument that due to the pocket that receives the second part no additional retaining means (adhesive or screws) are necessary is not persuasive because this is not claimed by the applicant. Furthermore evidence is shown by Pringle to have a lip seal that is retained on an L-shape clip or a U-shape clip as in figures 3 and 5, respectively. Furthermore due to the structure of a U-shape clip having the pocket there is no necessity for fastener means and applicant has failed to claim the particular structure of the pocket that make it possible to have no fastening means and has not claim the fact that fastening means are not used in this invention.

Even if the applicant claims the particular structure of the pocket the claim would not be allowable in view of the reference of Pringle.

*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP  
September 24, 2006



Vishal Patel  
Patent Examiner  
Tech. Center 3600